

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Hye-Young LEE

Group Art Unit: 2685

Serial No.: 09/118,100

Examiner: Gary, Erika

Filed: July 17, 1998

Docket: 678-139 (P8415)

For: **MOBILE TELEPHONE CAPABLE OF DISPLAYING WORLD
TIME AND METHOD FOR CONTROLLING THE SAME**

Mail Stop Appeal Brief-Patents
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APPEAL BRIEF

Sir:

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co, Ltd, the assignee of the subject application, having an office at 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no currently pending related appeals, interferences or judicial proceedings. The Board of Patent Appeals and Interferences ("the Board") rendered a decision (Paper No. 35), attached hereto in the Related Proceedings Appendix, in a prior appeal that was assigned Appeal No. 2003-1142.

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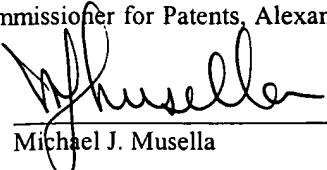
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Dated: September 30, 2004


Michael J. Musella

STATUS OF CLAIMS

Original Claims 1-12 were filed on July 17, 1998. Claims 1 and 6 were amended and Claims 4 and 10 were cancelled without prejudice in Amendment (Paper No. 8) filed August 30, 2000. Claims 1 and 6 were amended and Claims 3 and 9 were cancelled without prejudice in Preliminary Amendment (Paper No. 13) filed April 2, 2001, and entered by the Examiner. Thus, Claims 1, 2, 5-8, 11 and 12 as amended by the Preliminary Amendment filed April 2, 2001 are pending in the Appeal.¹ Claims 1 and 6 are in independent form. For the purposes of this appeal, Claims 2, 5, 6-8, 11 and 12 stand or fall together with Claim 1. Claim 1 is an apparatus claim, and Claim 6 is a method claim.

STATUS OF AMENDMENTS

Thus, the Appendix to this Appeal Brief includes independent Claims 1 and 6 as amended by the April 2, 2001 Preliminary Amendment (Paper No. 13), along with dependent Claims 2, 5, 7, 8, 11 and 12 as originally filed.²

SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates to an apparatus for displaying local time information of a city in the same or different time zone than where the device is physically located.

As recited in Claim 1, the apparatus has means for storing Greenwich Mean Time (GMT) information for each of a plurality of cities (S³ page 3, lines 5-7). The GMT information for each of the plurality of cities is stored in a memory (111)⁴, and accessed for calculating the local time of a city (S page 6, lines 13-17).

The apparatus has means for acquiring a reference time from a signal received from a remote system (110, 116, 120, 122 and 124)(S page 2, line 24 – page 4, line 14). The reference time, as

¹ The claims at the time of filing this Appeal Brief are in the same form as they were when the Board of Patent Appeals and Interferences (“the Board”) rendered its previous decision (Paper No. 35) in this prosecution.

² The claims as amended by the entry of the amendments contained in the preliminary amendment filed April 2, 2001 (Paper No. 13) are in the same form as the claims currently pending on appeal. These claims have been rejected in the Office Action dated May 2, 2001 (Paper No. 14), and have now been rejected for a second time in the Office Action dated March 26, 2004 (Paper No. 36).

³ “S” used herein refers to the Applicant’s originally filed Specification (Paper No. 3).

⁴ The reference numerals refer to their corresponding elements as shown in the drawings.

defined by the specification and the prosecution history, contains a current local time and the GMT of the physical location of the apparatus (S page 4, line 28 – page 5, line 14). The reference time is stored in a memory (112). The apparatus has means for counting (110) a duration of time that elapses from when said reference time is acquired (S page 5, lines 18-20). The reference time and the elapsed time are used to calculate the local time of a city (S page 6, lines 13-17).

The apparatus has means for selecting (114) at least one of said plurality of cities. A user, desiring to know the local time of a particular city, selects the city from a list of cities.

The apparatus has means for automatically calculating a local time of said selected city (110), said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time (S page 6, lines 13-17). This local time calculation is done automatically after the city is selected (S page 6, lines 12-17). The calculation is based on four distinctly claimed parameters, namely, GMT of the selected city, GMT of the present location of the apparatus, the reference time, and the elapsed time (S page 6, lines 13-17).

The apparatus has means for outputting (123) said local time.

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1 and 6 under 35 U.S.C. §103(a) are unpatentable over U.S. Patent 6,108,277 to Whitmore (“Whitmore”) in view of U.S. Patent 6,223,050 to Roberts, Jr. (“Roberts”).

ARGUMENT

Independent Claim 1 was said to be unpatentable over Whitmore in view of Roberts. (See, paragraph 5 at pp. 3-4 of the Office Action dated March 26, 2004 (Paper No. 36)).⁵ Whitmore discloses a celestial timepiece assembly having a conversion table between GMT and the current local time of a plurality of geographical locations. Roberts discloses a system and method for automatically setting a remote timepiece with the correct time. It is the position of the Examiner⁶ that Whitmore discloses all of the limitations of the claims except for the receipt of the reference time

⁵ The Office Action dated March 26, 2004 (Paper No. 36) issued as the next item in the file history to the decision (Paper No. 35) rendered by the Board that reversed the rejections presented by the Examiner in the Office Action dated April 24, 2002 (Paper No. 18).

⁶ See March 2004 Office Action (Paper No. 36) pp. 3-4.

from a remote system, and that Roberts discloses this element.

Claims 1 and 6 recite automatically calculating a local time of said selected city based on a reference time.

However, both Whitmore and Roberts cited by the Examiner fail to teach such a calculation.

In Whitmore, the local time of a selected city is **not** calculated based on a reference time.

First, the current local time of a city is entered by the user. For example, in Whitmore, after “the **input** of a current local time, date and geographical location **by manipulation of the various activating buttons** 24, 26, 30,” the CPU will “access the various information within the databases and will transmit the accessed information to the display assembly 40 **for display of the generally accurate positioned of the planets and constellations.**” See Whitmore, column 13, lines 16-21; column 9, lines 58-61.

Whitmore **fails** to teach or even fairly suggest that the current local time of a city is calculated based on a reference time.

Second, the current local time of a city entered by the user in Whitmore and the Greenwich Mean Time (“GMT”) in Whitmore are not used for calculating a current local time of a selected city. Whitmore **fails** to teach or fairly suggest automatically calculating a current local time of said selected city based on a reference time. The Greenwich Mean Time (“GMT”) in Whitmore is used “**to correlate information stored as part of the ephemeris...which is typically set for GMT.**” See Whitmore, column 8, lines 37-40. Whitmore has a conversion table between Greenwich Mean Time (“GMT”) and the current local time at one of the various pre-determined geographical locations so as to correlate” as described previously. See Whitmore, column 8, lines 36-40.

The calculation of the constellation information in Whitmore for a current location of a user based on the current local time inputted by the user **fails** to teach or fairly suggest automatically calculating a local time of said selected city based on a reference time.

Third, the only reference time mentioned in Whitmore, GMT, is not used for calculating a current local time of said selected city based on a reference time. Rather, the GMT is used for calculating and displaying astrological information of the current location based on the inputted current local time and the current location. See Whitmore, column 8, lines 36-40; column 9, lines 55-65. The abstract of Whitmore describes a conversion facility “for converting GMT to current local time dependent upon the plurality of predetermined geographic sites.” See Whitmore, abstract

at lines 19-21. Such statement is clarified in the specification: the conversion is “between Greenwich Mean Time (“GMT”) and the current local time...so as to correlate information stored as part of the ephemeris...which typically is set for GMT.” See Whitmore, column 8, lines 36-40.

However, such correlation as to the information stored as part of the ephemeris is **not** a calculation of a current local time of said selected city based on a reference time. The current local time mentioned in the abstract, when interpreted consistently with the specification, means the current local time entered by the user along with the current location, not the current local time of another location. In Whitmore, there is no disclosure or fair teaching of calculating a local time of a second location based on the local time of a first location.

Fourth, Whitmore does disclose computing of the “local, current date and time through the operation of the CPU 20” (Whitmore, column 14, lines 19-21), but such disclosure fails to constitute a disclosure of “automatically calculating a local time of said selected city” based on a reference time.

For at least the above-discussed reasons, Whitmore fails to teach or fairly suggest the claimed invention. Further, Roberts fails to cure the above-discussed deficiencies of Whitmore. Thus, the rejection of the claimed invention based on the combination of Whitmore and Roberts should be withdrawn.

Based on at least the foregoing, as the Examiner has consistently failed to make out a prima facie case for an obviousness rejection, the rejection of Claim 1 must be reversed.

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

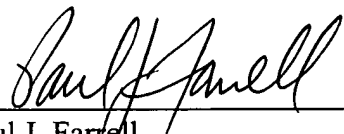
The Examiner has failed to show that all of the recitations of Claim 1 are taught in or suggested by the prior art. The Examiner has failed to make out a prima facie case for an obviousness rejection.

As noted, Claims 2, 5, 6-8, 11 and 12 stand or fall together with independent Claim 1 and are thus also allowable.

Independent Claims 1 and 6 are not rendered unpatentable by Whitmore in view of Roberts,

thus Claims 1, 2, 5-8, 11 and 12 are allowable.

Dated: September 30, 2004

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CLAIMS APPENDIX

1. (Previously Presented) An apparatus for displaying local time information, comprising:

means for storing Greenwich mean time (GMT) information for each of a plurality of cities;
means for acquiring a reference time from a signal received from a remote system;
means for counting a duration of time that elapses from when said reference time is acquired;
means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and
means for outputting said local time.

2. (Original) The apparatus of claim 1, wherein said apparatus is a mobile telephone.

3. (Cancelled)

4. (Cancelled)

5. (Original) The apparatus of claim 2, wherein said reference time is a system time acquired from a sync channel message received by said mobile cellular phone from a base station of a CDMA (Code Division Multiple Access) cellular system.

6. (Previously Presented) In an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of:

acquiring a reference time from a signal received from a remote system;
counting a time which elapses from said acquiring of said reference time;
selecting at least one of said plurality of cities;
automatically calculating a local time of said selected city based on the difference between

the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and
displaying said calculated local time.

7. (Original) The method of claim 6, further comprising the step of displaying a message to set a reference time if said step of setting a reference time does not occur.

8. (Original) The method of claim 6, wherein said step of selecting includes the substeps of:

displaying a list of said plurality of cities; and
scrolling through said list to select a desired one of said plurality of cities.

9. (Cancelled)

10. (Cancelled)

11. (Original) The method of claim 6, wherein said apparatus is a mobile telephone.

12. (Original) The method of claim 11, wherein said reference time is a system time acquired from a sync channel message received from a base station of a CDMA cellular system.

RELATED PROCEEDINGS APPENDIX

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.



Paper No. 35

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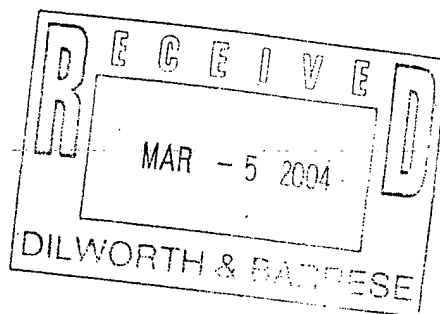
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Ex parte HYE-YOUNG LEE

Appeal No. 2003-1142
Application 09/118,100¹



HEARD: February 17, 2004

Before KRASS, BARRETT, and DIXON, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 2, 5-8, 11, and 12.

We reverse.

¹ Application for patent filed July 17, 1998, entitled "Mobile Telephone Capable of Displaying World Time and Method for Controlling the Same."

BACKGROUND

The invention relates to an apparatus and method for providing local time information for a plurality of cities in the world. A "reference time" is either a time set by the user or a system time acquired from a signal received from a remote system (e.g., a sync channel message); as claimed, the "reference time" is acquired from a signal received from a remote system. A clock circuit provides "elapsed time" from the "reference time." "Greenwich Mean Time (GMT)" is stored for each of a plurality of cities. The time in a selected city is determined from reference time, the elapsed time, and the difference between the GMT of the selected city and the GMT of a present location.

Claim 1 is reproduced below.²

1. An apparatus for displaying local time information, comprising:
 - means for storing Greenwich mean time (GMT) information for each of a plurality of cities;
 - means for acquiring a reference time from a signal received from a remote system;
 - means for counting a duration of time that elapses from when said reference time is acquired;

² The examiner states that "receiving" in claims 1 and 6 in the appendix should be "acquiring" (examiner's answer, Paper No. 24, p. 3). Appellant notes in the reply brief (Paper No. 26) that in the amendment (Paper No. 19) filed July 24, 2002, "acquiring" in claims 1 and 6 was proposed to be changed to read "receiving." The examiner denied entry of the amendment in the advisory action (Paper No. 20) entered February 26, 2001. The wording does not affect our decision.

means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and

means for outputting said local time.

THE REFERENCES

The examiner relies on the following references:

Klausner et al. (Klausner)	5,375,018	December 20, 1994
Whitmore	6,108,277	August 2, 2000

(filed June 15, 1998)

THE REJECTION

Claims 1, 2, 5-8, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitmore and Klausner. The examiner finds that Whitmore teaches the claimed subject matter except for acquiring a reference time from a signal received from a remote system (examiner's answer, p. 4). The examiner finds that "Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein the reference time is acquired from a signal received from a remote system [col. 1: lines 44-55]" (examiner's answer, p. 5).

We refer to the final rejection (Paper No. 18) and the examiner's answer (Paper No. 24) for a statement of the examiner's rejection, and to the brief (Paper No. 23) (pages referred to as "Br__") for a statement of appellant's arguments thereagainst.

OPINION

For purposes of appeal, the claims are grouped to stand or fall together with claim 1 (Br3). We agree that claim 1 is representative.

Appellant argues (Br4): (1) Klausner does not disclose acquiring a reference time from a remote source; and (2) Whitmore and Klausner do not disclose automatically calculating a local time of a selected city based on a difference between the GMT of the selected city and the GMT of a present location of the apparatus, the reference time, and an elapsed time.

Whitmore discloses a wristwatch having a conversion apparatus for converting GMT to current local time for a plurality of predetermined geographical sites (abstract; col. 8, lines 29-62). The "reference time" is apparently input manually by the user since no other method of input is described. Whitmore is a timepiece and therefore keeps "elapsed time." The time at the present location in Whitmore is the reference time plus the elapsed time. Whitmore impliedly uses the difference between the GMT of selected location and the GMT of the present location in conjunction with the current time (which is the reference time plus the elapsed time) to calculate a time for the selected location. The examiner is correct in finding that Whitmore does not disclose "means for acquiring a reference time from a signal received from a remote system."

Klausner discloses a device for determining the geographical location of a traveler and the local time at that location (col. 1, lines 44-47). The location is determined based upon a comparison between broadcast radiowave frequencies received at the location and a table of locations for radio stations which broadcast at those radiowave frequencies (abstract). Also stored in correspondence with each location is information indicative of the offset hour from 0 to 24 with respect to GMT that represents the time zone in which the stored location is found, or an algorithm may be used to correlate the location with an offset hour (col. 3, lines 53-60; col. 8, lines 40-45). The "reference time" is apparently input manually by the user since no other method of input is described. Klausner is a timepiece and therefore keeps "elapsed time." When the location is determined using the received frequencies, the device retrieves the current time (which is the reference time plus the elapsed time) of the clock and the previous GMT offset in the watch and uses the offset with respect to GMT to adjust the hour (col. 6, lines 50-52), i.e., Klausner uses the difference between the GMT of selected location and the GMT of the present location in conjunction with the current time (which is the reference time plus the elapsed time) to calculate a time for the selected location. When Klausner discloses that "the time is reset in a timepiece in accordance with the retrieved time information by

the microcontroller" (col. 1, lines 56-58), the "retrieved time information" is the time and previous offset hour information in the watch, not time information retrieved from the frequencies.


The operation of Klausner can be described with respect to Fig. 2. The initial location is Chicago; the Chicago time is 10:17 a.m. (from an initial "reference time" set by the user and an "elapsed time" kept by the clock circuitry); and the hour offset from GMT is 6 hours. When the traveler arrives in New York City, the device automatically determines the location (not the time) from the received frequencies, determines the hour offset from the table (5 hours), and resets the time using the previous offset time (a 1-hour difference); so, if the time upon arrival is 1:47 p.m., the time is reset to 2:47 p.m.

Importantly, the received frequencies are not time signals as the examiner apparently assumes. Nor is a "reference time" "received" or "acquired" from a signal from a remote system--only location is "acquired," indirectly, from the signals. Whitmore and Klausner are similar except that Klausner determines the location from radio frequencies while the user manually sets the location in Whitmore. Neither Whitmore nor Klausner discloses "means for acquiring a reference time from a signal received from a remote system" and, therefore, they also do not disclose automatically calculating a local time of a selected city using

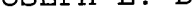
Appeal No. 2003-1142
Application 09/118,100

such a reference time. Accordingly, the rejection of claims 1, 2, 5-8, 11, and 12 is reversed.

REVERSED


ERROL A. KRASS
Administrative Patent Judge

Lee E. Barrett
LEE E. BARRETT
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge

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